

*Georgia*

HOUSE OF REPRESENTATIVES

Thursday
February 14,
2019**DAILY REPORT**15th
Legislative
DayHouse Budget & Research Office
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- The House will reconvene for its 16th Legislative Day on Friday, February 15 at 9:30 a.m.
- 3 bills / resolutions are expected to be debated on the floor.

Today on the Floor**Rules Calendar****HB 184 Streamlining Wireless Facilities and Antennas Act; enact**

Bill Summary: House Bill 184, the 'Streamlining Wireless Facilities and Antennas Act', streamlines the deployment of wireless broadband in public rights-of-way.

A wireless provider may collocate, meaning to install, mount, modify, or replace, small wireless facilities (small cells) and install, modify, or replace associated poles or decorative poles under Code Section 36-66 without an agreement with an authority and without an implementing ordinance. An authority includes a county, consolidated government, or a municipality, but does not include electric utilities. An authority may make available to providers any rates, fees, or other terms that comply with this Code section and are adopted by ordinance, resolution, or another authority document. If there is no ordinance, resolution, or other document, providers may collocate small cells and install, modify, or replace associated poles pursuant to the stipulations outlined in the Code. An authority may not require a provider to enter into an agreement, but nothing prohibits the two parties from voluntarily entering into an agreement in regard to rates, fees, and other terms; however, should there be an agreement, the authority shall make it available for public inspection and available for adoption under the same terms and conditions to any requesting provider.

An applicant shall pay the following fees to receive a permit to collocate a small cell or to install, modify, or replace a pole or a decorative pole: 1) a fee for each application for the collocation of small cells on an existing pole to be assessed by the authority that shall not exceed \$100 per small cell; 2) a fee for each application for each replacement pole associated with small cells assessed by the authority that shall not exceed \$250; 3) a fee for each application for a new pole associated with small cells assessed by an authority that shall not exceed \$1,000 per pole; 4) an annual right-of-way occupancy rate assessed by the authority for nonexclusive occupancy that shall not exceed \$100 per year for each small cell on an existing or replacement pole or \$200 per year for each new pole; 5) an annual attachment rate for collocations on authority poles not to exceed \$40 per year per small cell; 6) a fee for make-ready work; and 7) a generally applicable nondiscriminatory fee for any permit required under generally applicable law. The monetary caps provided shall increase 2.5% annually beginning on January 1, 2021.

If the Federal Communications Commission (FCC) small cell order, which states that rates and fees must be cost-based, is overturned and not subject to further review or appeal, then the fees mentioned above shall double beginning on July 1 of the calendar year following the final FCC review decision. Furthermore, on July 1 of the following year, the monetary caps shall be removed and applicants shall pay any fees or rates that are considered fair and reasonable compensation to the authority.

An applicant, or the person who owns or operates the small cell, may remove their small cells from the right-of-way after giving the authority at least 30 days written notice. The provider may cease payment to the authority upon the actual removal of the small cells. If the applicant fails to return the right-of-way to its prior condition within 90 days of removal, the authority may restore the right-of-way and charge the applicant the authority's reasonable, documented restoration cost, plus a penalty not to exceed \$500. The authority may suspend the ability of the applicant to receive any new permits until the applicant has paid the amount assessed.

A provider shall not collocate a small cell in the right-of-way or install, modify, or replace a pole for small cell collocation without first filing an application and obtaining a permit. If a provider fails to comply with this requirement, the authority may restore the right-of-way to its prior condition and charge the provider a reasonable, documented cost, plus a penalty not to exceed \$1,000. The authority shall make accepted applications publicly available, but may designate portions of the application as trade secrets.

An application shall not be required for inspections, testing, repairs, and modifications on poles or inspections, testing, or repairs on small cells. Furthermore, an applicant shall not be required to replace or upgrade antennas on a small cell. An authority shall not require a provider to obtain a permit or require fee payment for the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables or power lines that are strung between poles or support structures.

A provider shall not apply to install a pole or replace a decorative pole unless it has determined it cannot meet the service objectives of the permit by collocating on an existing pole; however, the provider has the right to collocate subject to reasonable terms and conditions, providing they would not impose technical limitations or significant additional costs. The provider must certify the determination was made based on the assessment of a licensed engineer and a written summary of the basis for the determination.

Section §36-66C-7 contains the requirements governing an authority's review of applications for uses that are subject to administrative review. Within 20 days of receiving an application, the authority shall: 1) notify the applicant in writing of the commencement and completion dates of scheduled or anticipated widening, repair, reconstruction, or relocation of the applicable right-of-way within 24 months of the date the application is filed; 2) notify the applicant of any grounds for denial; and 3) determine whether the application is complete and inform the applicant of its determination in writing. A denial shall be sent in writing and identify all reasons for the denial, including the provisions of applicable codes and other standards.

Small cells and new, modified, or replacement poles to be used for collocation of small wireless facilities may be placed in the right of way as permitted, subject to applicable codes and the following requirements: 1) each new, modified, or replacement pole installed in the right-of-way in a historic district and in a residential zone shall not exceed 50 feet or greater above ground level; 2) each new, modified, or replacement pole installed in the right-of-way not in a historic district or residential zone shall not exceed 50 feet above ground level or 10 feet in height greater than the tallest existing pole in the same authority's right-of-way; and 3) new small cells in the right-of-way shall not exceed more than 10 feet above the existing pole or support structure or the height limits previously provided for a new, modified, or replacement pole.

HB 184 requires a wireless provider to comply with reasonable and nondiscriminatory requirements that prohibit communications service providers and electric service providers from installing poles in a right-of-way in an area designated for underground or buried facilities where the authority: has required all facilities other than light poles and attachments to be placed underground; does not prohibit the replacement of light poles or the collocation of small cells in the designated area; and permits wireless providers to seek a waiver of the underground requirements for the placement of a new pole to support small cells. An authority that adopts underground requirements after an agreement is made shall allow a wireless provider to maintain any small cells already collocated to any applicable pole or allow a wireless provider to replace the pole associated with a collocated device at the same location or alternate location within 50 feet of the prior location.

An authority shall approve an application for permitted uses described in subsection (a) of Code Section §36-66C-6 of the bill. This is unless the requested collocation of a small wireless facility or the requested installation, modification, or replacement of a pole or decorative pole interferes with the operation of traffic control equipment, fails to comply with applicable codes, or multiple other stipulations listed in HB 184.

A permit from the authority authorizes an applicant to undertake certain activities, but it does not create a property right or grant authorization or license to the applicant to impinge upon the rights of other people who may have an existing interest in the right-of-way. Additionally, once a permit is issued, collocation, installation, modification, or replacement shall be completed within six months after issuance. Once issued a permit, the applicant is authorized to undertake collocation, installation, modification, or replacement approved by the permit, as well as operate and maintain the small cell and any associated pole covered by the permit for a period of not less than 10 years. HB 184 also includes relocation and make-ready work provisions, in addition to small cell and pole abandonment timelines. An applicant shall not place small cells or poles in the right-of-way where they will interfere with any existing infrastructure or equipment.

Within a historic district, an applicant may collocate or place a pole only when it receives a permit from the authority per Code Section §36-66C-6 and complies with objective and reasonable aesthetic and structural requirements that have been made publicly available by the authority at least 30 days prior to submission of an application; however, the historic district requirements may not inhibit the provider's technology or service and the requirements shall not be considered a part of the small cell for the purpose of size restrictions.

For new pole applications in rights-of-way zoned for residential use, the authority may propose an alternate location within 100 feet of the requested location. The provider shall use the alternate location unless the location imposes technical limits or significant additional costs.

An applicant may collocate a small cell on a decorative pole or replace a decorative pole with a new decorative pole if the existing decorative pole will not structurally support the attachment; however, the applicant must receive a permit and comply with objective and reasonable aesthetic and structural requirements that have been made publicly available by the authority at least 30 days prior to the submission of the application. These requirements shall not inhibit the provider's service or technology and shall not be considered part of the size of the small cell in regard to size restrictions. The authority shall operate the fixtures on the replaced decorative pole and shall, absent an agreement between the authority and provider, take ownership of the new decorative pole.

Applicants may submit a consolidated application, provided the application shall be for a geographic area no more than two miles in diameter. The denial of one or more small cells or poles within a consolidated application shall not delay the processing of other small cells or poles in the application. An authority may issue a single permit or multiple permits for the small cells and poles in the consolidated application. The bill has further stipulations based on county, consolidated government, or city parcel size. If multiple applications are received by the authority to install two or more poles or collocate two or more small cells on the same pole, the authority shall resolve the conflicting requests in an appropriate, reasonable, and nondiscriminatory manner.

If an authority and provider entered into an agreement prior to October 1, 2019 addressing small cells or pole installations associated with small cells, House Bill 184 shall not apply to that authority until the agreement expires or is terminated.

Authored By: Rep. Brett Harrell (106th)
House Economic Development & Tourism
Committee:
Floor Vote: Yeas: 170 Nays: 1

Rule Applied: Modified-Structured
Committee 02-12-2019 Do Pass by Committee
Action: Substitute
Amendments:

HR 51 Joint Georgia-North Carolina and Georgia-Tennessee Boundary Line Commission; create

Bill Summary: House Resolution 51 creates the joint Georgia-North Carolina and Georgia-Tennessee Boundary Line Commission. The commission shall be composed of six members, three appointed by the president of the Senate and three appointed by the speaker of the House. The

commission shall meet with similar commissions of the North Carolina and Tennessee General Assemblies in order to take action or pursue a remedy to establish the definite and true boundary lines between Georgia and North Carolina and Georgia and Tennessee.

Authored By: Rep. Marc Morris (26th)
House Committee: Interstate Cooperation
Floor Vote: Yeas: 163 Nays: 4
Floor Action: Adopted (Resolution)

Rule Applied: Modified-Open
Committee Action: 02-07-2019 Do Pass
Amendments:

Next on the Floor from the Committee on Rules

The Committee on Rules has fixed the calendar for the 16th Legislative Day, Friday, February 15, and bills may be called at the pleasure of the Speaker. The Rules Committee will next meet on Tuesday, February 19, at 9:00 a.m., to set the Rules Calendar for the 17th Legislative Day.

HB 63 Insurance; health benefit plans to establish step therapy protocols; require

Bill Summary: House Bill 63 requires health benefit plans to utilize certain clinical review criteria to establish step-therapy protocols, and provides for a determination process for patients and their doctors to petition for an override of these protocols.

Authored By: Rep. Sharon Cooper (43rd)
House Committee: Insurance

Rule Applied: Modified-Structured
Committee Action: 02-13-2019 Do Pass

HB 128 Insurance; insurers do not have to notify the Georgia Composite Medical Board of agreements to settle medical malpractice claims against physicians when the settlement resulted in the low payment under a high/low agreement; provide

Bill Summary: House Bill 128 requires that every insurer providing medical malpractice insurance coverage in this state to provide written notification to the Georgia Composite Medical Board when it pays a judgement or enters into an agreement to pay an amount to settle a medical malpractice claim, other than a low payment under a high/low agreement against a person authorized by law to practice medicine in Georgia.

Furthermore, every licensee, certificate holder, or permit holder shall notify the board of any settlement or judgement, excluding any low payment under a high/low agreement, involving the licensee, certificate holder, or permit holder involving an action for medical malpractice.

Authored By: Rep. Deborah Silcox (52nd)
House Committee: Insurance

Rule Applied: Modified-Structured
Committee Action: 02-13-2019 Do Pass

HB 166 Genetic Counselors Act; enact

Bill Summary: House Bill 166 establishes the 'Genetic Counselors Act.' On and after January 1, 2020, a person shall not engage in the practice of genetic counseling in this state without a valid license issued by the Georgia Composite Medical Board.

Authored By: Rep. Deborah Silcox (52nd)
House Committee: Health & Human Services

Rule Applied: Modified-Structured
Committee Action: 02-12-2019 Do Pass by Committee Substitute

Committee Actions

Bills passing committees are reported to the Clerk's Office and are placed on the General Calendar.

Education Committee

HB 59 Education; military students enroll in public school based on official military orders prior to physically establishing residency; allow

Bill Summary: House Bill 59 amends O.C.G.A. 20-2-150 to allow parents or guardians on active duty in the military to pre-enroll a student when official military orders to transfer into or within the state of Georgia are received. Students will be eligible to enroll in the same manner and time as students residing within the local school system, in the public school of the attendance zone in which he or she will be residing, or in a public school in a school system in which the military base or off-base military housing is located.

Authored By: Rep. D. C. Belton (112th)
House Committee: Education

Committee Action: 02-14-2019 Do Pass

HB 69 Georgia Special Needs Scholarship Program; qualifications; revise prior year school requirement

Bill Summary: House Bill 69 amends O.C.G.A. 20-2-2114 relating to the qualifications for the Georgia Special Needs Scholarship Program by adding an exception to the prior school year attendance requirement for students who have previously qualified for a scholarship.

Authored By: Rep. Scot Turner (21st)
House Committee: Education

Committee Action: 02-14-2019 Do Pass

HB 130 State Board of Education; authorize the Georgia Foundation for Public Education to establish a nonprofit corporation to qualify as a public foundation; authorize

Bill Summary: House Bill 130 amends O.C.G.A. 20-2-14.1 as it relates to the 'Georgia Foundation for Public Education' to authorize the foundation to establish a nonprofit under Section 501(c)(3) of the Internal Revenue Code. The creation of a nonprofit would allow the foundation to solicit and accept more funding to carry out its purpose for supporting educational excellence in public schools and at the Georgia Academy for the Blind, Georgia School for the Deaf, and Atlanta Area School for the Deaf.

Authored By: Rep. Randy Nix (69th)
House Committee: Education

Committee Action: 02-14-2019 Do Pass by Committee Substitute

Juvenile Justice Committee

HB 64 Parent and child; require child welfare agencies to make efforts to determine whether a parent or guardian of a child who is the subject of abuse allegations is on active duty in the military

Bill Summary: House Bill 64 requires that the appropriate child welfare agency make efforts as soon as possible to notify the applicable military installation's family advocacy program in the event of a child abuse or neglect allegation involving an active-duty military parent or guardian.

Authored By: Rep. Brian Prince (127th)
House Committee: Juvenile Justice

Committee Action: 02-14-2019 Do Pass by Committee Substitute

Transportation Committee

HR 37 Georgia Commission on Freight and Logistics; create

Bill Summary: House Resolution 37 creates the Georgia Commission on Freight and Logistics. The commission will be composed of 22 members:

- Three members of the House appointed by the speaker and three members of the Senate appointed by the lieutenant governor, including the chairs of the House and Senate Transportation committees;
- Six representatives of entities which provide freight and logistics services, possess expertise in the operations of a major airport hub, or lead a major commodity or major commodity shipper, major air shipping provider, or major manufacturing operation based in this state. Three of these industry representatives are appointed by the speaker and three by the lieutenant governor;
- Four members who each serve as a local government official, two appointed by the speaker and two appointed by the lieutenant governor;
- The executive director of the Georgia Municipal Association;
- The executive director of the Association County Commissioners of Georgia;
- The president of the Georgia Chamber of Commerce;
- The president of the Metro Atlanta Chamber of Commerce;
- The commissioner of transportation, ex officio; and
- The executive director of the Georgia Ports Authority, ex officio.

The charge of the commission is to study and determine the best course of action with regard to funding and policy development relating to freight and logistics to ensure growth and support of this industry.

Authored By: Rep. Kevin Tanner (9th)
House Committee: Transportation

Committee Action: 02-14-2019 Do Pass by Committee Substitute

Ways & Means Committee

HB 35 Sales and use tax; certain poultry diagnostic and disease monitoring services; create exemption

Bill Summary: House Bill 35 amends O.C.G.A. 48-8-3, relating to exemptions from state sales and use tax, by adding an exemption on sales tax for 501(c)(5) non-profit organizations which, as their primary purpose, provide poultry-related diagnostic and disease monitoring services.

Authored By: Rep. Sam Watson (172nd)
House Committee: Ways & Means

Committee Action: 02-14-2019 Do Pass

HB 85 Sales and use tax; organ procurement organizations; exempt sales

Bill Summary: House Bill 85 amends O.C.G.A. 48-8-3, relating to exemptions from sales and use tax, by including an exemption for organ procurement organizations. Each organ procurement organization is required to submit an annual report to the Department of Community Health, which includes the number of donors and transplants facilitated by the organization in the prior fiscal year.

Authored By: Rep. Penny Houston (170th)
House Committee: Ways & Means

Committee Action: 02-14-2019 Do Pass

HB 182 Sales and use tax; lower threshold amount for certain dealers

Bill Summary: House Bill 182 amends O.C.G.A. 48-8, relating to sales and use tax, by revising the definition of 'dealer' to lower the threshold of where the dealer is considered to have established an economic nexus with the state from \$250,000 in annual revenue to \$100,000 in annual revenue. The bill also repeals the reporting requirements for out-of-state retailers.

Authored By: Rep. Brett Harrell (106th)
House Committee: Ways & Means

Committee Action: 02-14-2019 Do Pass

HB 183 Ad valorem tax; right to appeal for any taxpayer that fails to file a property tax return or whose property tax return was deemed returned; provide

Bill Summary: House Bill 183 amends O.C.G.A. 48-5, relating to ad valorem taxation of property, by stating that the failure to return real property shall not affect the taxpayer's right to appeal.

Authored By: Rep. Brett Harrell (106th)
House Committee: Ways & Means

Committee Action: 02-14-2019 Do Pass

HR 164 General Assembly; dedication of revenues derived from fees or taxes to the public purpose for which such fees or taxes were imposed; authorize - CA

Bill Summary: House Resolution 164 allows the General Assembly to, by general law, dedicate funds from fees or taxes for the purpose for which they were imposed. The general law dedicating the fees must reference this provision of the Constitution; provide the specific purpose for which the fees will be used; identify the agency to administer the funds; require annual reporting of the revenue and expenditures by the department administering the funds; and include a sunset date not to exceed ten years. The total amount of funds dedicated by this provision of the Constitution may not exceed one percent of the total state revenues of the prior fiscal year. All funds dedicated by this provision do not lapse.

Any law enacted pursuant to this provision requires the approval of two-thirds of the members of each branch of the General Assembly, however, it takes only a simple majority to repeal a law enacted pursuant to this provision. In the event the governor declares a financial emergency, which shall be deemed to exist if revenue collections decrease by three percent or more from the previous year, the fees dedicated by this provision may be made subject to appropriation. However, this is limited to three, two-year periods during any 10-year period. The resolution also provides ballot language.

Authored By: Rep. Jay Powell (171st)
House Committee: Ways & Means

Committee Action: 02-14-2019 Do Pass

Committee Meeting Schedule

*This meeting schedule is up to date at the time of this report, but meeting dates and times are subject to change.
To keep up with the latest schedule, please visit www.house.ga.gov and click on [Meetings Calendar](#).*

Friday, February 15, 2019

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|----------|--|---------------|
| 8:00 AM | ECONOMIC DEVELOPMENT AND TOURISM | 341 CAP |
| 8:00 AM | Life & Health Subcommittee | 506 CLOB |
| 9:30 AM | FLOOR SESSION (LD 16) | House Chamber |
| 11:00 AM | Reeves Subcommittee of Judiciary (Non-Civil) | 132 CAP |
| 1:00 PM | Academic Achievement Subcommittee | 406 CLOB |
| 2:00 PM | Welch Subcommittee of Judiciary (Civil) | 132 CAP |